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Permanent Forum on Indigenous Issues
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Agenda item 6
Half-day discussion on Asia

Recommendations on item 6

Submitted by the Rapporteur

Half-day discussion on Asia

Preamble:

Asia is the most diverse continent of the world. Two thirds of the world's indigenous peoples live in Asia, which is the home of more than 2,000 civilizations and languages. Indigenous peoples in Asia are referred to as tribes, tribal peoples, hill tribes, ethnic or national minorities. Irrespective of their legal status or the different terminologies used for them, indigenous peoples of Asia, experience non-recognition of their cultural identity, exclusion and marginalization, displacement and relocation from their traditional territories, dispossession of lands and resources by State policies and programmes and by State and private corporations engaged in logging, large-scale plantations, mega hydroelectric dams, extractive industries and also by protected areas. The panellists for the half-day session on Asia included the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, representatives of the Asian Development Bank, the International Fund for Agricultural Development (IFAD), the United Nations Population Fund, the International Labour Organization (ILO) and the Asian indigenous peoples' caucus.

1. The Permanent Forum supports the following recommendations which emerged from the session, and calls on Asian States to:

(a) Adopt the United Nations Declaration on the Rights of Indigenous Peoples, as adopted by the Human Rights Council on 29 June 2006, before the end of the sixty-first session of the General Assembly;

(b) Recognize indigenous peoples constitutionally and legally as peoples, promote legal reform, particularly with regard to the recognition of indigenous peoples' communal land rights and to the exploration of the possibility of alternative legal paradigms recognizing indigenous peoples' customary laws and institutions;

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(c) Adopt laws controlling investor activities and mitigating the negative impact of economic liberalization on indigenous peoples' territories;

(d) Have their national laws conform with international laws;

(e) Establish land commissions or mechanisms that address violations of indigenous peoples' land rights, facilitate the restitution of alienated land and settle disputes;

(f) Establish full transparency in projects on indigenous territories by Governments and corporations, namely, the implementation of the principles and mechanisms for free, prior and informed consent, including the provision of information in a timely and appropriate manner, and in accordance with customary laws and practices of the respective indigenous peoples;

(g) Abandon transmigration policies and programmes and the prevention of illegal migration to indigenous territories;

(h) Establish pilot projects demonstrating effective communal land management.

2. The Permanent Forum calls on the European Commission, United Nations agencies, the World Bank Group, the Asian Development Bank, as well as bilateral development agencies, export credit agencies and international and regional financial institutions, such as the Japan Bank for International Cooperation, to review, strengthen and implement their policies applicable to indigenous peoples, in general, and indigenous peoples in Asia, in particular, and to use the United Nations Declaration on the Rights of Indigenous Peoples, as adopted by the Human Rights Council in 2006, as a framework of reference.

3. The Forum further recommends that the Asian Development Bank and the Japan International Bank for Development Cooperation and the Japan International Cooperation Agency be guided by international human rights law and the United Nations Declaration on the Rights of Indigenous Peoples when undertaking the revision of their safeguard policies on indigenous peoples and the updating of their operational manuals and guidelines and to ensure that indigenous peoples from the region are consulted and effectively participate in said processes.

4. The Permanent Forum recommends that national human rights institutions and commissions address indigenous peoples' issues and include indigenous experts as members of such institutions and commissions.

5. The Permanent Forum supports the recommendation of the Asian indigenous peoples' caucus that called on Asian States to establish an Asian human rights commission, which shall include indigenous experts, to monitor the implementation of international human rights conventions and treaties ratified by the States and to inquire into and provide remedies on the violations of human rights and fundamental freedoms of indigenous peoples.

6. The Permanent Forum recommends that United Nations country teams in Asian countries with indigenous populations, in cooperation with indigenous peoples, formulate a matrix of indicators, benchmarks and milestones which shall be used to assess the outcomes and results of their policies and programmes relevant to indigenous peoples. Furthermore, the Forum recommends that United Nations

agencies and donor agencies expand their funding and technical assistance to support capacity-building of Asian indigenous peoples' organizations.

7. The Permanent Forum calls on the Member States of the Association of Southeast Asian Nations (ASEAN) to recognize the collective rights of indigenous peoples and to ensure that, in developing the ASEAN charter, the rights of indigenous peoples are integrated.

8. The Permanent Forum recommends that the Special Rapporteur on counter-terrorism and human rights undertake a study on the implications of national security and anti-terrorist laws, policies and programmes for indigenous peoples and make recommendations for the protection of the human rights of indigenous peoples in the implementation of them.

9. The Permanent Forum denounces the extrajudicial killing of indigenous leaders and activists in several Asian countries, as reported by the Special Rapporteurs on the situation of human rights and fundamental freedoms of indigenous peoples and the Special Rapporteur on extrajudicial summary or arbitrary killings, and urges the concerned countries to investigate these reported cases and to provide redress to the relatives of the victims.

10. The Permanent Forum commends the establishment and achievements of the Regional Indigenous Peoples' Programme of the United Nations Development Programme (UNDP) in Asia, and calls on UNDP to ensure that the funding of that programme will be increased and that similar programmes be set up in other regions.

11. The Permanent Forum calls on Asian countries to be actively and constructively involved in discussions within the United Nations on the promotion and protection of indigenous peoples' rights, including the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, ensuring that indigenous peoples remain an agenda item, including indigenous peoples' rights in universal periodic reviews and strengthening mechanisms and procedures dealing with indigenous peoples.

12. The Permanent Forum calls on United Nations bodies and agencies, such as, inter alia, the country offices of the Office of the United Nations High Commissioner for Human Rights, ILO, IFAD, UNDP, as well as international and regional financial institutions to mainstream indigenous peoples' rights into their own programmes irrespective of the level of recognition of indigenous peoples' rights in domestic regulations and policies.

13. The Permanent Forum urges the World Bank to implement the specific actions identified in the management report and recommendations in response to the inspection panel investigation report in May 2006 on Cambodia, including the recommendation for the termination of existing logging concessions and for the promotion of more equitable and sustainable alternatives on forest management.

14. The Permanent Forum calls on the Special Rapporteur on violence against women and the Special Rapporteur on trafficking in persons to hold regional consultation with indigenous women in Asia, and requests that the United Nations Development Fund for Women support these consultations.

15. The Permanent Forum fully supports the indigenous peoples' organizations and networks in Asia that are planning to undertake assessments of how peace agreements are being implemented in specific countries, and calls on donor agencies to support those initiatives.